

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24TH DAY OF FEBRUARY 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	John A. Muffo	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Angela M. Hill	-Financial & Management Services Director
	Vickie L. Swinney	-Secretary
ABSENT:	Gary D. Creed	-Supervisor

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC HEARINGS**

#### **Special Use Permit**

**John & Jason Bedillion request a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow an accessory building in excess of 850 square feet and sixteen (16) feet in height.** The property is located at the southwestern end of Williby Drive and is identified as Tax Parcel No. 33-A-4

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(Account ID #002402) in the Shawsville Magisterial District. The property lies in an area designated as Conservation Area in the Comprehensive Plan.

The Planning Director gave a brief presentation on John and Jason Bedillion's request for a special use permit to allow an accessory building in excess of 850 square feet. He described the building to be a pole barn and is consistent with the current agriculture zoning. The Planning Commission at their February 12, 2003 meeting, recommended approval of this request with the following four conditions:

1. The proposed structure shall not exceed 3,200 square feet.
2. The height of the structure shall not exceed 21 feet.
3. The proposed structure shall not be used for any commercial use.
4. The structure shall be located at least 100 feet from all property lines.

The Planning Director stated that two other issues were discussed concerning the request as follows:

1. The site is 525 acres and not visible from any other properties.
2. The structure should be inspected by the Inspections Department before continuing construction.

Jason Bedillion, applicant, explained that the building is a pole barn and will be used for agriculture purposes.

Proposed Conveyance of Easement - Greenbrier Pipeline Company, LLC

**Proposed 50 foot easement in width, along with a 50 foot temporary construction easement, along the County's property identified as Tax Parcel 127-A-77 located on SR 668 to be conveyed by the Board of Supervisors to the Greenbrier Pipeline Company, LLC to construct, install, maintain, repair, replace, operate and remove a pipeline.**

Emmett Toms, Dominion Greenbrier Pipeline, explained that the proposed route for the pipeline will cross County's property where a greenbox site was once located. Dominion Greenbrier must a 50 foot easement along with a 50 foot temporary construction easement, before they can commence with any type of work on the County's property.

Charlie Bowles spoke against the granting of an easement to the Greenbrier Pipeline. Mr. Bowles believes the County should discourage Dominion Greenbrier from coming through Montgomery County, especially through Camp Cary Brook.

Proposed Ordinance Amending Chapter 2 of the Montgomery County Code - Establishing a Food and Beverage Tax

**An Ordinance Amending Chapter 2 of the Code of the County of Montgomery by Creating Division 10 Entitled Food and Beverage Tax for the Purpose of Establishing a Food and Beverage Tax Within the Unincorporated Area of the County.**

There being no speakers, the public hearing was closed.

Proposed Ordinance Extending the Deadline for Disposition of Appeals by the Board of Equalization **An Ordinance Extending the Deadline for disposition of appeals by the Board of Equalization of Montgomery County, Virginia from March 3, 2003 to March 14, 2003.**

There being no speakers, the public hearing was closed.

**PUBLIC ADDRESS**

Gary McCoy, Montgomery County Principals Association, asked the Board to support the School Board's proposed budget. He thanked the Board for their past support and their support of school construction.

Kelly Roark, Montgomery County Education Association, addressed the Board in support of the proposed School budget. Ms. Roark stated the School Board worked hard to include salary increases this year and asked for the Board's support.

B.J. Willard, Christiansburg High School Parent Teacher Association, spoke in support of the School budget and requested that the Board fully fund the budget as presented by the School Board.

**DELEGATION**

**Comprehensive Annual Financial Report For Fiscal Year Ended June 30, 2002**

Deanna Cox, Robinson, Farmer, Cox Associates, presented the Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2002. Ms. Cox expressed appreciation to the County's Financial and Management Services Director and County staff for their assistance during the audit. She discussed several issues involving the internal control structure and made several recommendations. Ms. Cox recommended that the County's E-911 tax be increased due to the fact that the tax was low compared to statewide rates.

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She recommended that the Board consider eliminating several funds that are not legally required to be kept, such as the Return Check Fund and Tax Overpayment Fund. The record keeping will be the same as before but recorded in the General Fund instead of individual funds. Ms. Cox stated that in order to strengthen the County's control over the collection of various fees, it is recommended that the County require all fees be remitted to the Treasurer's office. This would include any fees currently being collected at other locations, such as building permits, soil erosion permits and recreation fees.

#### **Fund Balance June 30, 2002 Accrual vs Cash**

The Financial and Management Services Director reported on the Fund Balance at June 30, 2002. She explained the Fund Balance Accrual vs Cash. Accrual balance includes monies "owed" to the County but not received yet, and Cash balance is available cash on hand. She indicated there was \$5.5 million in undesignated funds as of June 30, 2002.

#### **Presentation of Montgomery County School Board Proposed FY 2003-2004 Budget**

The Montgomery County School Board presented the proposed FY 2003-2004 School Budget. Wat Hopkins, Chair of the School Board, gave an overview of the School Budget to the Board of Supervisors which includes funding for school nurses and a 4% raise for school employees.

Mr. Walt Shannon, Director of Management Services for Montgomery County Public Schools, presented a detailed description of the proposed budget. The proposed budget totals \$76 million with a \$3.1 million dollar increase over last year's budget, with \$2.0 million requested from the County. The increase includes additional debt service, increase in utilities due to the opening of the new Christiansburg Middle School, and compensation/salary increase.

Frederick Morton, Montgomery County Public School Superintendent, expressed thanks to the Board of Supervisors for their efforts in supporting education and working with the School Board members. He emphasized the need to increase compensation for school employees and reported that Montgomery County had the lowest percentage in salary increase across the state in prior years.

#### **ADDENDUM**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the addendum dated February 24, 2003 was added to the agenda as follows:

##### **A. APPOINTMENTS**

1. Industrial Development Authority (2 Appointments)

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## 2. Transportation Safety Commission

### B. SPECIAL USE PERMIT - JOHN AND JASON BEDILLION - ADD TO THE CONSENT AGENDA

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Gary D. Creed
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		
C.P. Shorter		
Larry N. Rush		

### CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated February 24, 2003 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

### Approval of Minutes - February 10, 2003

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the Minutes dated February 10, 2003 were approved.

### Fire Program Fund Allocation

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

23311	Fire Program Fund Distribution	\$36,332
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	Fire Program Fund Distribution	\$36,332
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Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

**Recovered Costs: Sheriff**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

310	Sheriff – Compensation Board	\$18,712
321	Sheriff - Grants	<u>\$ 5,779</u>
	Total	\$24,491

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$11,011
441101	Insurance Recoveries	\$ 7,701
424401	V-Stop Grant	\$ 5,269
424401	Project Life Saver Contributions	<u>\$ 510</u>
	Total	\$24,491

Said resolution appropriates funds received as a reimbursement for extraditions, insurance recoveries, V-Stop Grant proceeds, and Project Life Saver Contributions.

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### **Special Use Permit - John & Jason Bedillion**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the John & Jason Bedillion request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not exceed 3200 sq ft in area.
2. The height of the structure shall not exceed 21 ft.
3. The proposed structure shall not be used for any commercial use.
4. The structure shall be located at least 100 feet from all property lines.

The property is located at the southwestern end of Williby Drive and is identified as Tax Parcel No. 33-A-4 (Account ID #002402) in the Shawsville Magisterial District. The property lies in an area designated as Conservation Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

### **OLD BUSINESS**

#### **Ordinance Amending the Deadline For Disposition of Appeals by The Board of Equalization**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

**2003-01**  
**Ordinance Amending the Deadline for Disposition**  
**of Appeals by the Board of Equalization**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the deadline for disposition of appeals by the Board of Equalization shall be extended from March 3, 2003 to March 14, 2003.

This Ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Gary D. Creed
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		
C.P. Shorter		
Larry N. Rush		

**NEW BUSINESS**

**Virginia Department of Emergency Management Domestic Preparedness Program Grant - Department of Justice Programs For Fire, Rescue And Law Enforcement**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Virginia Department of Emergency Management Domestic Preparedness Program provides funding to assist local governments to meet immediate equipment replacement needs and address critical ongoing equipment needs as part of the State's domestic preparedness strategy due to the terrorist attack on the World Trade Center.

NOW, THEREFORE, BE IT RESOLVED, That the County Administrator, Jeffrey D. Johnson, is hereby designated as Montgomery County's agent and is authorized to execute appropriate documents for the purpose of obtaining certain federal assistance under the Office of Justice Programs (OJP), National Domestic Preparedness Office Grant Program, administered by the Commonwealth of Virginia.

The vote on the foregoing resolution was as follows:



<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Gary D. Creed
Mary W. Biggs		
C.P. Shorter		
Annette S. Perkins		
James D. Politis		
Larry N. Rush		

**Resolution of Appreciation - Experience Works (Green Thumb, Inc.)**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Experience Works (formerly Green Thumb, Inc.), a national nonprofit, community-based organization, has served the citizens of Virginia since 1967; and

WHEREAS, As a result of the services provided by Experience Works, thousands of low-income, older individuals have received valuable training and employment assistance that has improved the quality of their lives and enabled them to remain productive and independent; and

WHEREAS, Local communities have become stronger as a result of the critical human needs, from child and elder care to education and public safety, that have been addressed by Experience Works participants and staff; and

WHEREAS, The business community has benefitted by relying on Experience Works as a reliable source of skilled, experienced, and dedicated workers that help them be competitive in a rapidly changing environment; and

WHEREAS, Experience Works provides a valuable public service by helping to change negative attitudes about growing older and by expanding training, employment, and community service opportunities for mature individuals at a time when our population is rapidly aging; and

WHEREAS, Experience Works consistently exceeds its goals while serving those most in need and while operating in some of the most rural and economically depressed areas of Virginia; and

WHEREAS, Experience Works has consistently demonstrated exceptional fiscal and program accountability and provides taxpayers with a positive return on their investment; and

WHEREAS, Experience Works has established an extensive, cost-effective, and innovative service delivery system that is an exemplary public/private partnership and a model for others to follow.

NOW THEREFORE BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby commends Experience Works for its significant contributions to the citizens of Montgomery County and for its efforts to expand its services to help more older individuals, communities, and businesses under the Senior Community Service Employment Program and other initiatives.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Experience Works and a copy be made a part of the official Minutes of Montgomery County as an expression of the Montgomery County Board of Supervisors appreciation for its efforts on behalf of the citizens of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Gary D. Creed
John A. Muffo		
C.P. Shorter		
James D. Politis		
Mary W. Biggs		
Larry N. Rush		

**Resolution of Appreciation Transportation Safety Commission-Malvin L. Wells**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

**WHEREAS**, The Transportation Safety Commission gathers local input in recognizing and solving problems in the area of highway safety; and

**WHEREAS**, *Malvin L. Wells* has faithfully served as a member of the Transportation Safety Commission since 1997; and

**WHEREAS**, The County recognizes the impartial and dedicated service that *Malvin L. Wells* has rendered the citizens of Montgomery County.

**NOW, THEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *Malvin L. Wells*.

***BE IT FURTHER RESOLVED***, That the original of this resolution be presented to ***Malvin L. Wells*** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Gary D. Creed
James D. Politis		
Mary W. Biggs		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

### **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator updated the Board on the state budget. A 2.5% salary increase is included in the state budget for state employees. An increase in the Auxiliary Grant was included in the budget, which means an increase in funding for the Fairview District Home. The budget also restores 22 Extension Agents positions across the state.

Supervisor Rush noted that there is a misconception when the state indicates they are giving a 2.5% raise to state employees. The actual amount is less than 2.5%.

### **BOARD MEMBERS' REPORTS**

Supervisor Muffo reported the Planning Commission at their February 12, 2003 meeting discussed the Planning Commission composition and terms of office. The Planning Commission recommended to the Board of Supervisors that the Planning Commission be composed of 10 members; that members continue to be appointed at large rather than by election district; and that members serve for an initial term of 4 years with reappointment for additional terms be at the pleasure of the Board of Supervisors.

Planning Commission Workshop - Supervisor Muffo expressed thanks to the Board members that attended the workshop held on February 19, 2003 and believes that the Planning Commission appreciated the Board members attendance.

Supervisor Perkins attended the Regional Economic Development Commission meeting on Thursday, February 20, 2003. The New River Community College announced their RN Nursing Program has been

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910	Other Agencies	\$5,000
	Rosa L. Peters Community Park	

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Gary D. Creed
James D. Politis		
C.P. Shorter		
John A. Muffo		
Mary W. Biggs		
Larry N. Rush		

Supervisor Biggs asked what the Board's pleasure was on inviting the Legislators back for a dinner meeting to discuss the General Assembly session. Supervisor Biggs was instructed by the Chair to contact the Legislators to see if they were interested in a follow-up meeting.

Supervisor Shorter- League of Women Voters Annual Meeting Supervisor Shorter stated he enjoyed the meeting with the League of Women Voters and believed the open forum was a great idea. It gave the Board members a chance to voice their perspective on local issues.

Mt. Zion Road - Supervisor Shorter commended VDOT for fixing the hill on Mr. Zion Road.

Supervisor Rush - League of Women Voters Annual Meeting Supervisor Rush agreed with Supervisor Shorter's comments on the League of Women Voters meeting. It was a good forum which allowed the Board of Supervisors to comment on a variety of issues. He suggested that the Board of Supervisors schedule an "open mike night" which would be a question/answer type meeting.

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Discipling or Resignation of Specific Public Officers, Appointees or Employees
1. Transportation Safety Commission
  2. Industrial Development Authority (IDA)
  3. County Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

**OUT OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

**CERTIFICATION OF CLOSED MEETING**

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

#### VOTE

##### AYES

Mary W. Biggs  
C.P. Shorter  
James D. Politis  
Annette S. Perkins  
John A. Muffo  
Larry N. Rush

##### NAYS

None

##### ABSENT DURING VOTE

Gary D. Creed

##### ABSENT DURING MEETING

Gary D. Creed

#### APPOINTMENTS

##### Industrial Development Authority - 2 Appointments

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **John S. Phillips** to the Industrial Development Authority effective February 25, 2003 and expiring February 24, 2007.

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The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
Annette S. Perkins		
C. P. Shorter		
John A. Muffo		
James D. Politis		
Larry N. Rush		

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Litz VanDyke** to the Industrial Development Authority effective February 25, 2003 and expiring February 24, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
Annette S. Perkins		
C. P. Shorter		
John A. Muffo		
James D. Politis		
Larry N. Rush		

**Transportation Safety Commission**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Gabriel S. Quesinberry** to the Transportation Safety Commission effective February 25, 2003 and expiring February 24, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
Annette S. Perkins		
C. P. Shorter		
John A. Muffo		
James D. Politis		



Larry N. Rush

**ADJOURNMENT**

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Monday, March 10, 2003 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Gary D. Creed
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

The meeting adjourned at 10:00 p.m.